



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during February 2015
DISTRIBUTED: March 17, 2015

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Land:

Town of Kennebunk, Kennebunk, Maine. The Town of Kennebunk violated Maine's *Natural Resources Protection Act* by: removing material, namely sand and rock, from a coastal sand dune system; placing fill, namely sand and rock, in a coastal dune system; and removing vegetation from a coastal sand dune system; without first obtaining a permit from the Department. The Town of Kennebunk also violated Maine's *Erosion and Sedimentation Control law* by conducting or causing to be conducted an activity that involves filling, displacing, or exposing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. A Department inspection revealed that the Town of Kennebunk removed soil and rock material from the frontal dune along a 400-foot stretch of Great Hill Road to construct a road shoulder on the seaward side of the pavement, impacting up to 1,600 square feet of undeveloped frontal dune. The Department inspection also revealed that the Town of Kennebunk removed vegetation from and spread soil and rock material in the frontal dune to create a snow storage area on a private lot adjacent to Great Hill Road, impacting approximately 2,000 square feet of the undeveloped frontal dune. Erosion controls were inadequate at the private lot at the time of the inspection. Following Department involvement, the Town of Kennebunk submitted a restoration plan to the Department to completely restore the altered frontal dune. The Department approved the restoration plan and a subsequent inspection revealed that the altered dunes had been restored in accordance with the approved restoration plan and stabilized to Department staff's satisfaction. To resolve the violations, the Town of Kennebunk agreed to monitor the restoration areas to ensure that a 90% survival rate is achieved for all vegetation species and to replace all dead or dying species within the restoration areas until a 90% survival rate is achieved, or until September 2017, whichever comes first. In addition, the Town of Kennebunk paid \$3,403 as a civil monetary penalty.

Joline LaCoste, Greene, Maine. Joline LaCoste violated Maine's *Natural Resources Protection Act* by performing or causing to be performed filling activities in and adjacent to a great pond without first obtaining a permit. A Department inspection revealed that fill, specifically a fifty eight square-foot patio, was placed in and adjacent to Sabattus Pond in a



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location where there had been a pre-existing stone wall. In addition, Joline LaCoste violated the *Natural Resources Protection Act* by removing vegetation from approximately 2,500 square feet of freshwater wetland. Following Department involvement, Joline LaCoste submitted a notification pursuant to the Department's *Permit By Rule* standards to reconstruct the pre-existing stone wall, remove the cement patio, and restore the wetland vegetation. A restoration plan was submitted with the *Permit By Rule* notification. The notification and restoration plan were approved by the Department. To resolve the violations, Joline LaCoste agreed to comply with the terms of the *Permit By Rule* notification and implement the approved restoration plan. In addition, Joline LaCoste paid \$1,994 as a civil monetary penalty.

Michael Wells, Greene, Maine. Michael Wells violated Maine's *Natural Resources Protection Act* by constructing, or causing to be constructed, a permanent structure in and adjacent to great pond without first obtaining a permit. A Department inspection revealed that an approximately 120-square-foot cement patio, had been constructed in, on, over, and adjacent to Sabattus Pond. Following Department involvement, Michael Wells submitted a notification pursuant to the Department's *Permit By Rule* standards for removal of most the cement patio, to retain a portion of the cement patio, for the installation of riprap to stabilize the shoreline of Sabattus Pond, and for the restoration of disturbed area caused by the construction of the cement patio. A restoration plan was submitted with the *Permit By Rule* notification. The notification and restoration plan were approved by the Department, as amended. To resolve the violation, Michael Wells agreed to implement the restoration plan and paid \$944 as a civil monetary penalty.